

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF TEXAS**

300002075
CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2022 NOV -2 AM 11:00

Joe Hunsinger
Plaintiff Pro-Se'

Case No:

DEPUTY CLERK mb

V.
DOE CORPORATION UTILIZING
TELEPHONE NUMBERS 214-469-9158,
954-852-3701, 602-760-5175,
and OTHERS
Defendants

3-22 cv 2444 - M

COMPLAINT

1.0 PARTIES

1.01 Joe Hunsinger is a an individual citizen of Texas and a resident of this District.

1.02 Plaintiff is, and at all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153 (39).

1.03 Defendant is, based on the area code it uses to call, likely a Florida-based corporation.

1.04 Defendant is, and at all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153 (39).

2.0 JURISDICTION AND VENUE

2.01 This court has personal specific jurisdiction pursuant to 28 USC Section 1331 and 47 USC Section 227.

2.02 Supplemental jurisdiction for Plaintiffs state law claims arise under 28 USC Section 1391(b)(2).

2.03 This Court has personal specific jurisdiction over Defendant because defendant made calls to Plaintiff in this District and Defendant conducts business in the State of Texas.

INTRODUCTION

3.01 This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 227, et seq. ("TCPA").

3.02 Defendant has placed more than one prerecorded telemarketing telephone calls to Plaintiff.

3.03 Plaintiff never provided consent to Defendant for such calls.

3.04 Plaintiff's number ending in 2367 is registered on the DNC Registry and is primarily used for personal, family, and household use.

3.05 In an effort to avoid liability, Defendant uses limited-time telephone numbers that appear to remain active for no more than 24 hours after a call was placed.

3.06 As such, even if Plaintiff can call back before the number is deactivated, it does not connect Plaintiff with any live person or provide any way for Plaintiff to opt out.

3.07 Accordingly, Defendant's actions violated the TCPA, and Plaintiff is entitled to \$500 per call (\$500 for violations of § 227(b), and an additional \$500 for violations of § 227(c)).

3.08 Since at least the beginning of October 2022, Plaintiff has received calls from telephone numbers beginning with area code 214 which all start with a pre recorded voice stating: "Attention, if you or a loved one lived, worked, or were stationed at marine corp base Camp Lejeune..."

3.09 Plaintiff knows that the word "message" is prerecorded or artificial because of his familiarity with common speech, intonation, characteristics, and other artificial voices, and that the "message" was identical in each message.

3.10 The caller is attempting to solicit their legal services for victims of cancer caused from the drinking water at Camp Lejeune in North Carolina.

3.11 These numbers include 214-469-9158.

3.12 On 10-19-2022 Plaintiff received one of these such calls from 214-469-9158.

3.13 Tired of getting these calls, Plaintiff decided to leave his phone number in there voicemail at the end of their message.

3.14 Plaintiff received the phone call at 3:06 and he called the number back at 3:08. A recording immediately stated: "The number you have reached is no longer in service."

3.15 According to Phonevalidator.com, number 214-469-9158, is a FAKE number.

3.16 Notably, Defendant appears to de-activate its phone numbers within approximately 24 hours of its calls using that telephone number.

3.17 Upon information and belief, it does this because it knows it is violating the TCPA, and it is trying to stay ahead of those seeking to hold it accountable.

3.18 On 10-19 at 5:33 PM Julia called the Plaintiff from 954-852-3701. She began speaking stating "have you or any of your loved ones stationed at Camp Lejeune..." Plaintiff spoke to her for almost 10 minutes answering her questions and at the same time asking her over and over again the name of the business she was calling on behalf of or the name of the attorney firm who she works for. She would only tell the Plaintiff she is a legal helper for the Camp Lejeune Lawsuit.

3.19 At no point during this call did the call identify or provide any clues as to the caller's identity.

3.20 According to Phonevalidator.com, number 954-852-3701 is a VOIP number belonging to phone company Inteliquent.

3.21 The area code of Julia's phone number is from Florida. Plaintiff checked the Florida SOS and there is no business with the name Camp Lejeune Lawsuit.

3.22 Later that evening on 10-19-2022 at 8:41 PM Plaintiff received a call from 602-760-5175. The caller, Anna told Plaintiff she is a deciding officer Camp Lejeune Lawsuit. Plaintiff spoke to her answering her questions and asked her several times the name of the business and attorney firm that making the soliciting calls to him.

3.23 At no point during this call did the call identify or provide any clues as to the caller's identity.

3.24 On 10-21-2022 Plaintiff called Julia and asked her for the name and phone number of the attorney firm making the solicitations to him. At no point during this call did the call identify or provide any clues as to the caller's identity.

3.25 On 10-24-2022 Julia called the Plaintiff and began stating: "Have you or any of your loved ones been stationed in Camp Lejeune..." Plaintiff interrupted her

asking her if she remembers talking to him and she stated: "ohh yes." At no point during this call did the call identify or provide any clues as to the caller's identity.

3.26 On 10-26-2022 Plaintiff send a text to Julia at 954-852-3701 to *Stop*.

3.27 A few hours later Julia send a text to Plaintiff identifying herself as a legal helper with the Camp Lejeune Lawsuit, asking for a call back to her number 954-852-3701. Plaintiff requests injunctive relieve prohibiting Defendant from engaging in the wrongful and unlawful acts described herein.

3.28 Defendant's actions were willful and/or knowing because Defendant placed the calls of its own volition and takes pains to hide its identity (by deactivating telephone numbers and not revealing its identity).

3.29 A telemarketer who initiates calls in their calling campaign must give their identity to the called party and trains their employees Plaintiff is entitled to a statutory violation of \$500 pursuant to 227(d)(3)(A).

3.30 Plaintiff is entitled to an award of a minimum of \$500 in statutory damages for each call, pursuant to 227(b)(3)(B) and (c).

3.31 In addition, because the calls were telephone solicitations and Plaintiff's telephone number was on the National Do-Not-Call Registry, Defendant's calls violated 227(c), and Plaintiff is entitled to an additional \$500 per call.

3.32 Plaintiff has suffered concrete harm because of Defendant's telephone calls, including, but not limited to:

3.33 Lost time tending to the unwanted calls and responding to Defendant's unlawful conduct;

3.34 Invasion of his privacy by intrusion upon seclusion

3.35 These forms of concrete harm are sufficient for Article III standing purposes.

3.36 Plaintiff is entitled to statutory damages and injunctive relief for these violations of the TCPA.

COUNT 1

Violations of the TCPA, 227(b)(1)(B)

4.01 Plaintiff incorporates the foregoing allegations as if fully set forth herein.

4.02 Defendant placed telemarketing telephone calls to Plaintiff without his prior express written consent.

4.03 These calls each used a prerecorded or artificial voice.

4.04 The calls were not placed for "emergency purposes" as defined by 47 U.S.C. §227(b)(1)(A)(i).

4.05 Plaintiff is entitled to an award of damages of \$500 per call pursuant to 227(b)(3).

4.06 Plaintiff is entitled to an award of treble damages in an amount up to \$1,500 for each call made knowingly and/or willfully, pursuant to 227(b)(3).

COUNT 2

Violations of the TCPA, 227(c)

5.01 Plaintiff incorporates the foregoing allegations as if fully set forth herein.

5.02 Defendant made telephone solicitations to Plaintiff's telephone number ending in 2367. Plaintiff's telephone number ending in 2367 has is registered on the National DNC Registry and Plaintiff has not removed his number from the Registry.

5.03 Plaintiff is entitled to an award of damages of \$500 per call pursuant to 227(c)(5)(C).

5.04 Plaintiff is entitled to an award of treble damages in an amount up to \$1,500 for each call made knowingly and/or willfully, pursuant to 227(c)(5)(C).

COUNT 3

Violations of the TCPA, CFR 64.1200.

6.01 Plaintiff incorporates the foregoing allegations as if fully set forth herein.

6.02 Defendant Doe Corporation initiated calls/texts to the Plaintiff, despite the fact that Plaintiffs phone number is listed on the DNC Registry and list. Defendant failed to train their employees about the TCPA, failed to identify their company, and does not have policies and written procedures in place that must meet the standards of:

CFR 64.1200(d)(4)

CFR 64.1200(d)(6)

6.03 Defendant must pay Plaintiff damages \$500 (total) for the above violations.

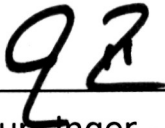
TRIAL BY JURY

20.01 Plaintiff demands a trial by jury under the 7th Amendment of the US Constitution.

CONCLUSION

WHEREFORE, Plaintiff requests for the following relief:

- A An order declaring that Defendant's actions violate the aforementioned laws and statutes;
- B An award of injunctive and other equitable relief prohibiting Defendant from engaging in the wrongful and unlawful acts described herein;
- C An award of statutory or contractual damages;
- D An award of treble damages;
- E Such other and further relief that the Court deems reasonable and just.



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joe75217@gmail.com

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JOE HUNSINGER

(b) County of Residence of First Listed Plaintiff **DALLAS**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

DOE CORPORATION UTILIZING
TELEPHONE NUMBERS 214-469-9158,
954-852-3701, 602-760-5175

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

NOV - 2 2022
mh

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

USC 227

Brief description of cause:

UNWANTED AND ILLEGAL CALLS

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

11-2-2022

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE